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SUBJECT: HUMAN RIGHTS IN SENEGAL: MID-YEAR REVIEW

SUMMARY

11. We recently invited key human rights activists to a luncheon seminar to review rights violations and concerns in the past year. About 40 people attended, representing key Senegalese NGOs specializing in freedom of speech, children and women's rights, TIP (trafficking in persons), transparency and anticorruption. Several international organizations, including UNHCR, UNICEF, and the International Organization for Migration (IOM), also attended. The main issues raised were lack of adequate legal protection for journalists, increasing cases of violence against women, lack of enforcement of child begging laws and increasing cases of corruption, particularly in the judiciary. END SUMMARY.

CORRUPTION THRIVES

12. The representative of the Forum Civil, Transparency International's Senegalese partner, called corruption "Senegal's main problem" and stressed that "GOS responses are unsatisfactory." He noted that ministers and senior civil servants are not required by law to make financial disclosure statements and that the National Assembly never passes the end-of-fiscal year law certifying that the national budget has been executed properly, as required by current legislation. The country's National Commission on Corruption, he added, has no power to initiate hearings even when cases of corruption are reported in the media, but can only act upon mandates given by the GOS. Participants bemoaned widely perceived high levels of corruption in the judicial branch. Other participants pointed to early July press revelations that Aminata Mbaye, a senior judge at the Supreme Court (Cour de Cassation), had received 15 million CFA francs (CFAF) (USD 30,000) to "purchase" a case involving fraud in which the defendant was likely to receive a prison sentence. (NOTE: Judge Mbaye and the judges who were helping her in the prosecution are under administrative investigation and have been suspended by the GOS. END NOTE.)

FREEDOM OF SPEECH

13. A journalists' union representative noted that freedom of speech is protected by the Constitution by a law passed in 1996. In general, he said, there was progress during the year. No journalists were prosecuted or imprisoned for propagating false news: unlike in the past the GOS tended to prosecute and imprison political leaders who made allegations against the Government rather than the media relaying them. He noted, however, that article 139 of the Code of Criminal Procedure still allows the GOS to put in pretrial detention any journalist "propagating or helping propagate" false news. He also said the increase in media enterprises (mainly radio and newspapers) has led to hiring of untrained journalists who receive low pay and

almost no social protection. Another participant brought up the case of a young female journalist involved in a car accident while on duty who now may lose use of one leg for lack of insurance. In addition, several media companies violate collective bargaining agreements, and participants charged that resultant low or unpaid salaries have led to journalists blackmailing political leaders to supplement their income.

MORE CASES OF VIOLENCE AGAINST WOMEN

¶4. CLVF, an organization fighting violence against women, noted that between October 2005 and July 2006, it has dealt with 59 cases of violence involving females. Five cases were rapes of female minors. In another case, one woman's husband murdered her. The CLVF representatives deplored the lack of national statistics. In their view, while there is an increase in infanticides reported, many cases are still hidden by families or charges are simply "abandoned" by prosecutors. Participants deplored the lack of shelters for women victims of domestic violence. They also questioned the current criminal system's expectations that minors, especially girls of just 5 or 6, can bring evidence of rape into court. They indicated that many people accused of rape have been freed by judges for lack of sufficient evidence, and called for legal reform to reverse the burden of proof. Another human rights organization, RADDHO, noted that just during the month of May, 16 cases of child abuse were reported, involving children between 6 and 16 years of age.

GOS STILL HESITANT TO BAN CHILD BEGGING

¶5. All participants deplored that despite laws banning begging, exploitation of child begging by unscrupulous

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religious teachers and other adults still prevails in the streets of Dakar. One participant said "the law is here, it is clear, but nobody is enforcing it."

COMMENT

¶6. The human rights situation in Senegal is generally good, but as demonstrated by cases and concerns reported at this seminar, there are areas that need to be addressed promptly. There is widespread NGO concern over freedom of speech and right of assembly, which the NGOs believe the GOS has tended to restrict over the past year. Above all, though, and this may well be driven by current heavy press coverage of a particularly egregious case, there is concern over alleged corruption in the judiciary. END COMMENT.

Jacobs